

Governance Design Group

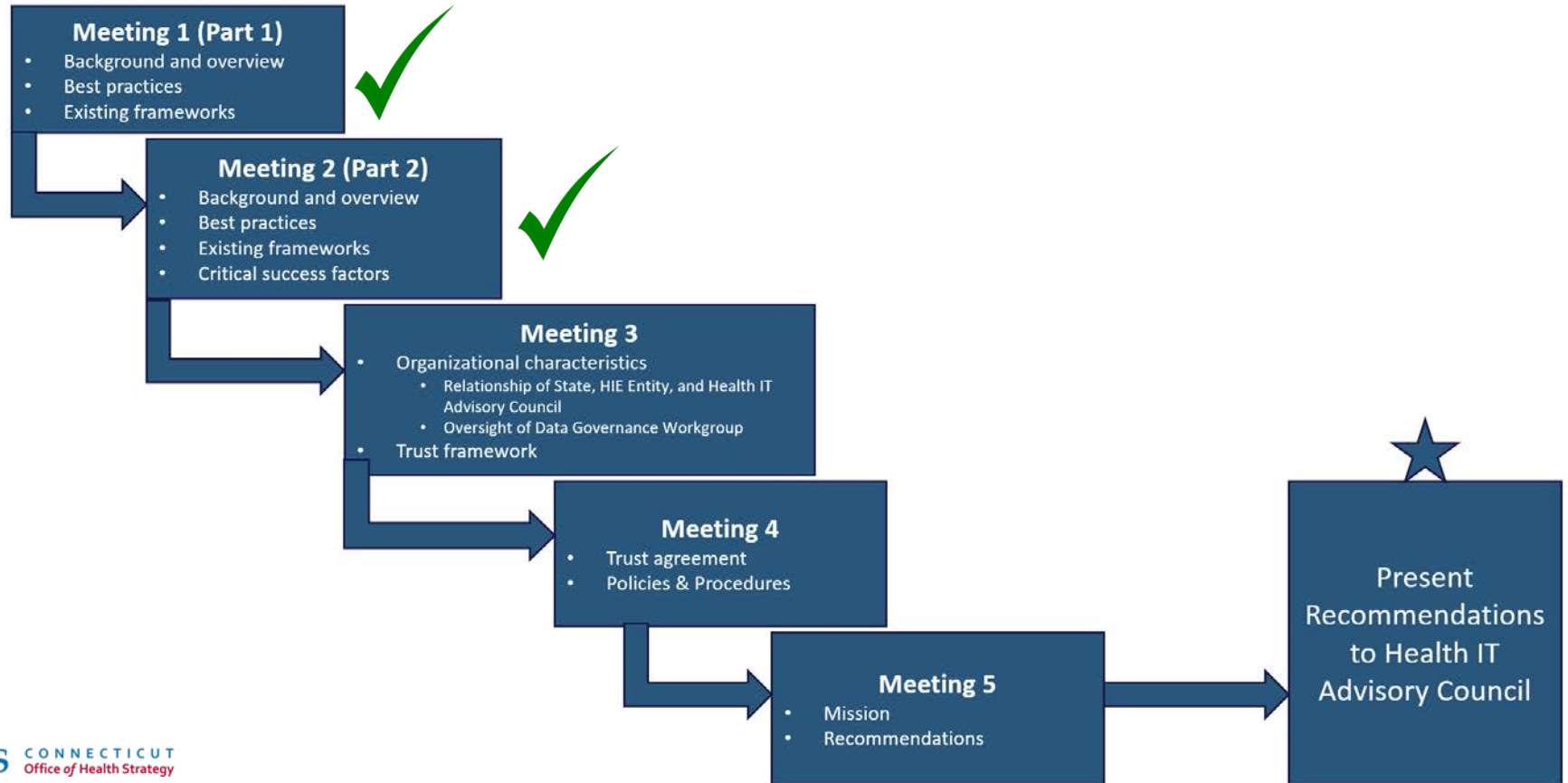
Meeting #3 – June 14, 2018



Agenda

Agenda Topic	Lead	Duration
Welcome and Meeting Overview	Jennifer Richmond	5 min
Recap of Prior Meeting (June 6) and Approval of Meeting Summary	All Design Group members and support staff	10 min
Building Block Exercises and Discussion <ul style="list-style-type: none">• Critical Success Factors – confirm previous discussion• Characteristics of Neutral and Trusted Entity• Elements of a Trust Agreement• Policies and Procedures Table of Contents	All Design Group members and support staff	70 mins
Meeting Wrap-up and Next Steps	Michael Matthews	5 min

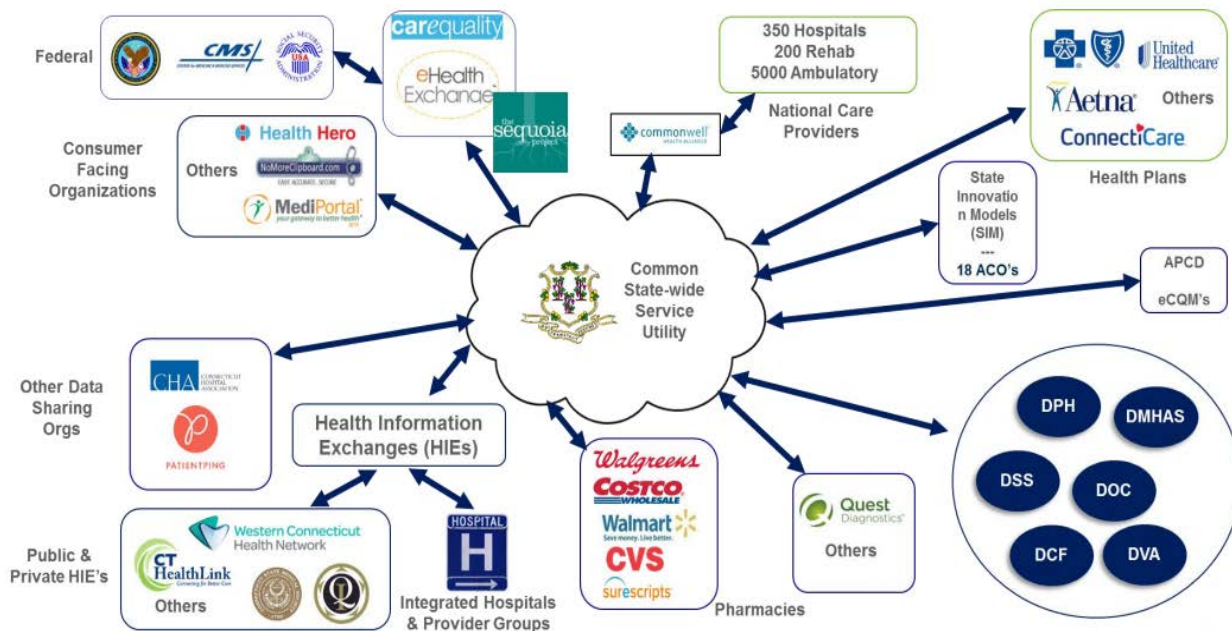
Proposed Meetings and Topics



Building Block Exercises

- Today's Meeting
- ✓ 1. Critical Success Factors
 2. Characteristics of a neutral and trusted entity
 3. Elements of a trust agreement
 4. Policies and procedures table of contents
 5. Relationship of state / HIE entity / Health IT Advisory Council
 6. Relationship of governance vs. data governance
 7. Pros and cons of new company not-for-profit vs. designation of existing not-for-profit entity
 8. Potential impact of TEFCA
 9. Mission and vision considerations

Connecticut – “Network of Networks”



Contracted participants will include:

- Individual provider entities (clinics, hospitals, etc.)
- Orgs representing multiple entities (e.g. HIEs)

Uniform contract terms and “rules of the road” apply to all participants and flow down to exchange partners of participants

Critical Success Factors

Critical Factors for Success in Connecticut - CONFIRM

Review:

- Alignment with Connecticut statutes
- Alignment with federal statutes
- Compatibility with national interoperability initiatives
- Stakeholders (patients/consumers, providers, payors, state agencies, etc.) engagement, support, and participation
- Sustainability
- Foundation for trust

Additions:

- Reliable, accessible, and secure technology
- Tangible value to stakeholders
- Neutrality – no competitive advantage to any one stakeholder / segment
- Confidentiality vs. privacy – consumers comfortable in how data are being used
- Roadmap for HIE development and use case implementation – foster early participation from broad range of stakeholders

Neutral and Trusted Entity

Characteristics of a Neutral and Trusted Entity

Environmental Scan Recommendation #9: “Connecticut should establish, or designate, a neutral, trusted organization representing public and private interests to operate agreed-to statewide health information exchange services. The organization should adhere to best practices in health information governance, including but not limited to:”

- ▶ Accountability to, and transparency with, stakeholders
- ▶ Governance by an engaged board of directors representing private and public sector leaders with decision-making authority in the organizations that they represent
- ▶ Foundational trust agreements that establish clear “rules of the road” including enforcement authority related to compliance
- ▶ Sound policies and procedures
- ▶ Business decisions driven by value-creation, leading to financial sustainability
- ▶ Judicious use of public and private resources
- ▶ Effective engagement with the State of Connecticut for public policy and technology integration with state-run systems

Characteristics of a Neutral and Trusted Entity

June Special Session PA 17-2:

Sec. 128 (a) - “The purposes of the program shall be to (1) assist the State-wide Health Information Exchange in establishing and maintaining itself as a neutral and trusted entity that serves the public good for the benefit of all Connecticut residents...”

Sec. 128 (b) – “The HITO shall design, and the Secretary of OPM, in collaboration with said officer, may establish or incorporate an entity to implement the program. Such entity shall, without limitation, be owned and governed, in whole or in part, by a party or parties other than the state and may be organized as a nonprofit entity.

Sec. 128 (c) – “Any entity established and incorporated pursuant to subsection (b) of this section shall have its powers vested in an exercised by a board of directors. The board of directors shall be comprised of the following members who shall serve for a term of two years”:

- ▶ One member with expertise as an advocate for consumers of health care (appointed by the Governor)
- ▶ One member with expertise as a clinical medical doctor (appointed by the president pro tempore of the Senate)
- ▶ One member with expertise in the area of hospital administration (appointed by the speaker of the House of Representatives)
- ▶ One member with expertise in the area of group health insurance coverage (appointed by the minority leader of the Senate)
- ▶ One member with expertise in group health insurance coverage (appointed by the minority leader of the House)
- ▶ The Chief Information Officer, the Secretary of OPM, and the HITO (or their designees) will serve as ex-officio, voting members
- ▶ The HITO, or their designee, will serve as the chairperson of the board

Characteristics of a Neutral and Trusted Entity

June Special Session PA 17-2 (continued):

Sec. 128 (e) – “The entity established under subsection (c) of this section may”:

- ▶ Employ a staff and fix their duties, qualifications, and compensation
- ▶ Solicit, receive, and accept aid or contributions (money, property, labor, or other things of value) from any source
- ▶ Receive and manage on behalf of the state, funding from the federal government, other public sources or private sources to cover costs associated with the planning, implementation, and administration of the HIE
- ▶ Collect and remit fees set by the HITO charged to persons or entities for access to or interaction with the HIE
- ▶ Retain outside consultants and technical experts
- ▶ Maintain an office in the state at such place or places as such entity may designate
- ▶ Procure insurance against loss in connection with such entity’s property and other assets
- ▶ Sue and be sued and plead and be impleaded
- ▶ Borrow money for the purpose of obtaining working capital
- ▶ Subject to the powers, purposes, and restrictions of sections 17b-59a, 17b-59d, 17b-59f, and 19a-755 of the general statutes, do all acts and things necessary and convenient to carry out the purposes of this section and section 164 of this act.

Exercise - Characteristics of a Neutral and Trusted Entity

Review:

- ▶ Serves public good
- ▶ Benefits all CT residents
- ▶ Accountability and transparency to stakeholders
- ▶ Owned and governed, in whole or in part, by a party or parties other than the state
- ▶ *May* be organized as a nonprofit entity
- ▶ Governance by an engaged board of directors representing private and public sector leaders with decision-making authority in the organizations that they represent
- ▶ Foundational trust agreement that establishes clear “rules of the road” including enforcement authority related to compliance
- ▶ Sound policies and procedures
- ▶ Business decisions driven by value-creation, leading to financial sustainability
- ▶ Judicious use of public and private resources
- ▶ Effective engagement with the State of Connecticut for public policy and technology integration with state-run systems

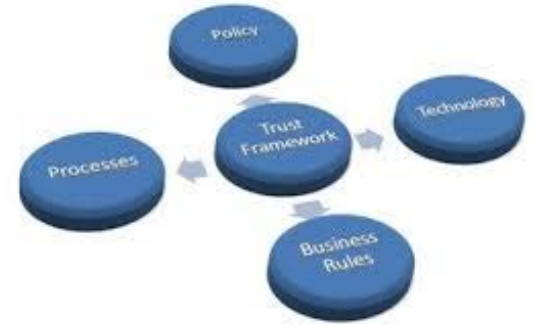
Additions:

- ▶ Addition #1:
- ▶ Addition #2:
- ▶ Addition #3:
- ▶
- ▶

Trust Agreements

Trust Framework Purpose

- Common language, understanding, and agreement
- Promotes transparency, trust, and sharing
- Addresses requirements for data use and sharing among a variety of stakeholders
- Fairness
- Accountability
- Privacy and security
- Minimized need for one-off trust agreements and contracts



Major Components of a Trust Framework

- Purpose & Scope
 - Scope of Exchange
 - Approach to Establishing Trust
 - Governance Structure
 - Operational Policies/Procedures
- Permitted Purposes
- Permitted Participants
- Identity Proofing & Authentication
- Technical Approach and Infrastructure
 - Standards Used
- Cooperation & Non-Discrimination
- Allocation of Liability and Risk
- Accountability
 - Technical
 - Network Flow Down
 - Enforcement
 - Dispute Resolution
- Consent Model
 - States Consent Models
 - CT Consent Policy
- Transparency
- Privacy & Security
 - Breach Notifications
- Access

Trust Framework Analysis

State-Level

- Michigan (MiHIN)
- Massachusetts (Mass HIway)
- Rhode Island (RIQI)
- New York (SHIN-NY)
- Maine (HealthInfoNet)
- Delaware (DHIN)
- Maryland (CRISP)
- Virginia (ConnectVirginia)
- California (CAHIE)

National

- eHealth Exchange (eHEX), (The Sequoia Project)
- Carequality, (The Sequoia Project)
- Commonwell Health Alliance
- Trusted Exchange Framework and Common Agreement (TEFCA)

Key Differences Between Trust Agreements

- ▶ Consent Models
- ▶ Breach notification (time requirements)
- ▶ Participant Testing/certification/onboarding
- ▶ Types of policies and procedures that accompany the trust agreement
- ▶ Permitted Purposes
- ▶ Use Cases
- ▶ Trust agreements vary across end users and HINs forcing end users to join multiple HINs to share data
- ▶ Healthcare providers burdened with costs for point-to-point interfaces

Exercise – Elements of Trust Agreement

Review:

- ▶ Purpose & Scope
 - ▶ Scope of Exchange
 - ▶ Approach to Establishing Trust
 - ▶ Governance Structure
- ▶ Operational Policies/Procedures
- ▶ Permitted Purposes
- ▶ Permitted Participants
- ▶ Identity Proofing & Authentication
- ▶ Technical Approach and Infrastructure
 - ▶ Standards Used
- ▶ Cooperation & Non-Discrimination
- ▶ Allocation of Liability and Risk
- ▶ Accountability
- ▶ Technical
 - ▶ Network Flow Down
 - ▶ Enforcement
 - ▶ Dispute Resolution
- ▶ Consent Model
 - ▶ States Consent Models
 - ▶ CT Consent Policy
- ▶ Transparency
- ▶ Privacy & Security
 - ▶ Breach Notifications
- ▶ Access

Additions:

- ▶ Addition #1
- ▶ Addition #2
- ▶ Addition #3

Policies and Procedures

Policies and Procedures: Example ConnectVirginia

- ▶ ConnectVirginia Portal User Information Confidentiality
 - ▶ Agreements with ConnectVirginia Portal Participants and Users
 - ▶ ConnectVirginia Portal Participant Enrollment
 - ▶ ConnectVirginia Portal User Roles
 - ▶ ConnectVirginia's Use and Disclosure of PHI in ConnectVirginia Portals
 - ▶ ConnectVirginia Portal Auditing, Monitoring and Attestations of Compliance
 - ▶ ConnectVirginia Portal Participant Suspension
 - ▶ ConnectVirginia Portal User Suspension and Termination
 - ▶ ConnectVirginia Portal Log-in and Log-off
 - ▶ ConnectVirginia Portal Password Management
 - ▶ ConnectVirginia Portal Help Desk
 - ▶ ConnectVirginia Portal Training
 - ▶ Breach and Security Incident Response Procedures for Portal Participants and Users
 - ▶ Deletion of ConnectVirginia Encounter Alert Reports
 - ▶ ConnectVirginia EXCHANGE Permitted Purposes
 - ▶ ConnectVirginia EXCHANGE Node Eligibility Criteria
 - ▶ ConnectVirginia EXCHANGE Application Review Policy
 - ▶ ConnectVirginia EXCHANGE Node Suspension and Termination
 - ▶ Dispute Resolution Process
 - ▶ Consent
 - ▶ Auditing and Monitoring
 - ▶ Sensitive Data
 - ▶ ConnectVirginia's Use and Disclosure of PHI in ConnectVirginia EXCHANGE
 - ▶ Agreements with ConnectVirginia EXCHANGE Nodes
 - ▶ ConnectVirginia EXCHANGE Fees
- 

Policies and Procedures: Example CRISP



CRISP Policies and Procedures v8

Contents

Chesapeake Regional Information System for Our Patients (CRISP) Policies and Procedures	1
Background	4
1. Participant Users	4
1.1 Definition	4
1.2 Participant User Requirements	4
1.3 Change in Participant User's Job Status or Role	4
1.4 Training	5
2. User Name and Passwords	5
2.1 Password Convention	5
2.2 Lock Outs and Password Resets	5
3. User Access Policies	5
3.1 Minimum Necessary	5
3.2 Data Misuse	6
3.3 Participant Discipline for Non Compliance	6
4. Patient Access and Rights	6
4.1 Accounting of Disclosure Requests	6
4.2 Opt Out CRISP Services	6
4.3 Personal Health Records	7
5. Permitted Purposes	7
6. Participating Data Providers	7
6.1 Contribution of Data	8
6.2 Sensitive Health Information	8
7. Data Retention and Reuse	8
7.1 Data Consumption	8
7.2 Return of Data	8
8. Systems Operations	9
8.1 Hardware and Software	9
8.2 Availability and Network Monitoring	9
8.3 Maintenance	9
9. Support	10
10. Audit	10
11. Report of Breach	11
12. CRISP Board of Advisors	11
12.1 Nomination and Selection Process	11
12.2 Term of Service	12
13. Provider Authorization	12
14. Standards	13
15. Policies and Procedures Amendment Process	13
15.1 Definition of Majority	13
Appendix A - Sample Authorized User Agreement	14
Appendix B - Approved Quality Improvement and Care Coordination Uses	17

Policies and Procedures: Example SHIN-NY Privacy and Security

- ▶ Privacy and Security
 - ▶ Consent
 - ▶ Authorization
 - ▶ Authentication
 - ▶ Access
 - ▶ Audit
 - ▶ Breach
 - ▶ Compliance
 - ▶ Sanctions
 - ▶ Cybersecurity
 - ▶ Data retention
 - ▶ Oversight and Enforcement
 - ▶ Oversight
 - ▶ Enforcement
 - ▶ Minimum Core Services Technical Requirements
 - ▶ Patient Record Lookup
 - ▶ Secure Messaging
 - ▶ Consent Management
 - ▶ Notifications
 - ▶ Identity Management and Security
 - ▶ Provider and Public Health Clinical Viewer
 - ▶ Public Health Integration
 - ▶ Results Delivery
 - ▶ QE Organizational Requirements
 - ▶ Non-Profit Status
 - ▶ Good Standing in New York State
 - ▶ Governance Structure
 - ▶ Availability to All Participants
 - ▶ Comprehensive, Up-To-Date List of Participants
 - ▶ Participant Flow-Down Requirements
 - ▶ Insurance/Liability Coverage
- 

Exercise – P&P Table of Contents (Part 1)

Review:

Privacy and Security

- Consent
- Authorization
- Authentication
- Access
- Audit
- Breach
- Compliance
- Sanctions and enforcements
- Cybersecurity
- Specially protected information
- Permitted purposes
- Patient access and rights

Additions:

- Addition #1:
- Addition #2:
- Addition #3:
-
-

Exercise – P&P Table of Contents (Part 2)

Review:

Technical and Operational

- System requirements
- Standards
- Testing and onboarding
- Auditing and monitoring
- Identity management
- Data quality and integrity
- Service Level Agreements (SLA)
- Training
- Help desk

Additions:

- Addition #1:
- Addition #2:
- Addition #3:
-
-

Exercise – P&P Table of Contents (Part 3)

Review:

Organizational

- Openness and transparency
- Node eligibility
- Insurance and liability
- Flow-down requirements
- Suspension
- Dispute resolution
- Non-discrimination
- Information blocking
- Fees
- Application review process

Additions:

- Addition #1:
- Addition #2:
- Addition #3:
-
-

Building Block Exercises: Meeting 4 (June 20)

- ✓ 1. Critical Success Factors
- ✓ 2. Characteristics of a neutral and trusted entity
- ✓ 3. Elements of a trust agreement
- ✓ 4. Policies and procedures table of contents
5. Relationship of state / HIE entity / Health IT Advisory Council
6. Relationship of governance vs. data governance
7. Pros and cons of new company not-for-profit vs. designation of existing not-for-profit entity
8. Potential impact of TEFCA
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Meeting
#4

Contact Information

Health Information Technology Program Management Office

Allan Hackney, Allan.Hackney@ct.gov

Jennifer Richmond, Jennifer.Richmond@ct.gov

Sarju Shah, Sarju.Shah@ct.gov

Dino Puia, Dino.Puia@ct.gov

Kelsey Lawlor, Kelsey.Lawlor@ct.gov

M.J. Lamelin, MaryJane.Lamelin@ct.gov

General E-Mail, HITO@ct.gov

Grace Capreol, Practicum Student at OHS, HIT PMO, Grace.Capreol@ct.gov

CedarBridge Group

Michael Matthews, michael@cedarbridgegroup.com

Chris Robinson, chris@cedarbridgegroup.com

Health IT Advisory Council Website:

<http://portal.ct.gov/Office-of-the-Lt-Governor/Health-IT-Advisory-Council>

Please direct all questions to Jennifer Richmond